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[Report No. 113-131]

To direct the President to establish guidelines for United States foreign assistance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 10, 2013

Mr. RUBIO (for himself, Mr. CARDIN, Mr. ISAKSON, Mr. TESTER, Ms. WARREN, Mr. KIRK, Mr. JOHANNIS, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER 20, 2013

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To direct the President to establish guidelines for United States foreign assistance programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Foreign Aid Trans-~~
5 ~~parency and Accountability Act of 2013~~”.

1 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN ASSIST-**
2 **ANCE PROGRAMS.**

3 (a) **PURPOSE.**—The purpose of this section is to
4 evaluate the performance of United States foreign assist-
5 ance and its contribution to policy, strategies, projects,
6 program goals, and priorities undertaken by the Federal
7 Government, to foster and promote innovative programs
8 to improve effectiveness, and to coordinate the monitoring
9 and evaluation processes of Federal departments and
10 agencies that administer foreign assistance.

11 (b) **ESTABLISHMENT OF GUIDELINES.**—Not later
12 than 18 months after the date of the enactment of this
13 Act, the President shall establish guidelines regarding the
14 establishment of measurable goals, performance metrics,
15 and monitoring and evaluation plans that can be applied
16 with reasonable consistency to United States foreign as-
17 sistance. Such guidelines shall be established according to
18 best practices of monitoring and evaluation studies and
19 analyses.

20 (c) **OBJECTIVES OF GUIDELINES.**—

21 (1) **IN GENERAL.**—The guidelines established
22 under subsection (b) shall provide direction to Fed-
23 eral departments and agencies that administer
24 United States foreign assistance on how to develop
25 the complete range of activities relating to the moni-
26 toring of resources, the evaluation of projects, the

1 evaluation of program impacts, and analysis that is
2 necessary for the identification of findings, gen-
3 eralizations that can be derived from those findings,
4 and their applicability to proposed project and pro-
5 gram design.

6 (2) OBJECTIVES.—Specifically, the guidelines
7 shall provide direction on how to achieve the fol-
8 lowing objectives for monitoring and evaluation pro-
9 grams:

10 (A) Building measurable goals, perform-
11 ance metrics and monitoring and evaluation
12 into program design, to be tracked against an
13 established baseline at the outset, including the
14 provision of sufficient program resources to
15 conduct monitoring and evaluation.

16 (B) Disseminating guidelines for the devel-
17 opment and implementation of monitoring and
18 evaluation programs to all personnel, especially
19 in the field, who are responsible for the design,
20 implementation, and management of foreign as-
21 sistance programs.

22 (C) Developing a clearinghouse capacity
23 for the collection and dissemination of knowl-
24 edge and lessons learned that serve as bench-
25 marks to guide future programs for United

1 States development professionals, implementing
2 partners, the international aid community, and
3 aid recipient governments, and as a repository
4 of knowledge on lessons learned.

5 (D) Distributing evaluation reports inter-
6 nally and making this material available online
7 to the public. Furthermore, providing a sum-
8 mary of each evaluation, including a description
9 of the evaluation methodology, and key findings
10 and recommendations made in the evaluation,
11 to the public online in a fully searchable form
12 within 90 days after the completion of the eval-
13 uation. Any material made available online pur-
14 suant to this subparagraph may not include any
15 classified or proprietary information of non-
16 governmental organizations, contractors, or pri-
17 vate sector clients.

18 (E) Establishing annual monitoring and
19 evaluation agendas and objectives.

20 (F) Applying rigorous monitoring and eval-
21 uation methodologies to focus on learning, ac-
22 countability, and policymaking, choosing from
23 among a wide variety of qualitative, quan-
24 titative, summative, and formative methods
25 common in the field of social scientific inquiry,

1 including impact evaluations, a simple grading
2 system providing a clear evaluation of out-
3 comes, and analysis of project logic that in-
4 cludes inputs, activities, outputs, intermediate
5 outcomes, and end outcomes.

6 (G) Partnering with the academic commu-
7 nity, implementing partners, and national and
8 international institutions that have expertise in
9 monitoring and evaluation and analysis when
10 such partnerships will provide needed expertise
11 or will significantly improve the evaluation and
12 analysis.

13 (H) Developing and implementing a train-
14 ing plan for aid personnel on the proper con-
15 duct of monitoring and evaluation programs.

16 (I) Providing relevant and useful evalua-
17 tion questions that meet the needs of decision-
18 makers, an appropriate and feasible design for
19 the evaluation questions, and criteria that per-
20 mit objective assessment and valid conclusions
21 on the evaluation questions.

22 (J) Ensuring sufficient, credible, and reli-
23 able measures and data in the evaluation of the
24 effectiveness of foreign assistance programs, in-

1 including an assessment of assumptions and limi-
2 tations in such evaluations.

3 ~~(K)~~ Ensuring that generally accepted
4 standards such as independence, professional
5 judgment, competence, and quality control and
6 assurance are followed in the monitoring and
7 evaluation of programs.

8 (d) IMPLEMENTATION OF GUIDELINES.—Beginning
9 not later than one year after the date on which the Presi-
10 dent establishes the guidelines under subsection (b), the
11 head of each Federal department or agency that admin-
12 isters United States foreign assistance shall administer
13 the foreign assistance in accordance with the guidelines.

14 (e) PRESIDENTIAL REPORT.—Not later than 18
15 months after the date of the enactment of this Act, the
16 President shall submit to the appropriate congressional
17 committees a report that contains a detailed description
18 of the guidelines that have been developed on measurable
19 goals, performance metrics, and monitoring and evalua-
20 tion plans for United States foreign assistance programs
21 established under this section. The report shall be sub-
22 mitted in unclassified form to the maximum extent pos-
23 sible, but may contain a classified annex.

24 (f) IMPLEMENTATION NOT REQUIRED FOR CERTAIN
25 SECURITY SECTOR ASSISTANCE.—

1 (1) IN GENERAL.—The Secretary of State shall
2 not be required to administer any United States for-
3 eign assistance program relating to United States
4 security sector assistance in accordance with the
5 guidelines established under this section if the Sec-
6 retary of State makes a determination that the ad-
7 ministration of such program in accordance with the
8 guidelines would be detrimental to the national in-
9 terests of the United States.

10 (2) BRIEFINGS OR REPORT.—The Secretary of
11 State shall provide briefings or submit a written re-
12 port to the appropriate congressional committees ex-
13 plaining any determination made under paragraph
14 (1). Any such report may be submitted to the appro-
15 priate congressional committees in classified form.

16 (g) COMPTROLLER GENERAL REPORTS.—The Comp-
17 troller General of the United States shall—

18 (1) not later than one year after the date of the
19 enactment of this Act, submit to the appropriate
20 congressional committees a report that contains an
21 analysis of the actions that the major Federal de-
22 partments and agencies that administer United
23 States foreign assistance have taken to ensure that
24 United States foreign assistance program evaluation
25 is planned, conducted, and utilized effectively;

1 (2) not later than three years after the date of
2 the enactment of this Act, submit to the appropriate
3 congressional committees a report that contains an
4 analysis of—

5 (A) the guidelines established pursuant to
6 subsection (b); and

7 (B) the implementation of the guidelines
8 by the major Federal departments and agencies
9 that administer United States foreign assist-
10 ance; and

11 (3) not later than 5 years after the date of the
12 enactment of this Act, and biennially thereafter for
13 8 years, submit to the appropriate congressional
14 committees a report that contains an analysis of the
15 implementation of the guidelines by the major Fed-
16 eral departments and agencies that administer
17 United States foreign assistance.

18 (h) **EVALUATION DEFINED.**—In this section, the
19 term “evaluation” means, with respect to a United States
20 foreign assistance program, the systematic collection and
21 analysis of information about the characteristics and out-
22 comes of the program and projects under the program as
23 a basis for judgments, to improve effectiveness, and to in-
24 form decisions about current and future programming.

1 **SEC. 3. INTERNET WEBSITE TO MAKE PUBLICLY AVAIL-**
 2 **ABLE COMPREHENSIVE, TIMELY, COM-**
 3 **PARABLE, AND ACCESSIBLE INFORMATION**
 4 **ON UNITED STATES FOREIGN ASSISTANCE**
 5 **PROGRAMS.**

6 (a) PUBLICATION OF INFORMATION.—

7 (1) ESTABLISHMENT OF WEBSITE.—Not later
 8 than 30 days after the date of the enactment of this
 9 Act, the President shall direct the Secretary of State
 10 to revise the Department of State’s Internet website,
 11 “~~ForeignAssistance.gov~~”, to make publicly available
 12 comprehensive, timely, comparable, and accessible
 13 information on United States foreign assistance pro-
 14 grams.

15 (2) INFORMATION SHARING.—The head of each
 16 Federal department or agency that administers
 17 United States foreign assistance shall, not later than
 18 two years after the date of the enactment of this
 19 Act, and every 90 days thereafter, provide to the
 20 Secretary of State information about the foreign as-
 21 sistance programs carried out by such department or
 22 agency.

23 (3) UPDATES TO WEBSITE.—The Secretary of
 24 State shall publish not later than 2 years after the
 25 date of the enactment of this Act and update on a
 26 quarterly basis on the “~~ForeignAssistance.gov~~”

1 website the information provided under paragraph
2 (2).

3 (b) MATTERS TO BE INCLUDED.—

4 (1) IN GENERAL.—The information described in
5 subsection (a) shall be published on a detailed pro-
6 gram-by-program basis and country-by-country
7 basis.

8 (2) TYPES OF INFORMATION.—To ensure trans-
9 parency, accountability, and effectiveness of United
10 States foreign assistance programs, the information
11 described in subsection (a) shall include country as-
12 sistance strategies, annual budget documents, con-
13 gressional budget justifications, obligations, expendi-
14 tures, and reports and evaluations for United States
15 foreign assistance programs and projects under such
16 programs. Each type of information described in this
17 paragraph shall be published or updated on the
18 Internet website not later than 90 days after the
19 date of issuance of the information.

20 (3) REPORT IN LIEU OF INCLUSION.—

21 (A) HEALTH OR SECURITY OF IMPLI-
22 MENTING PARTNERS.—If the head of a Federal
23 department or agency makes a determination
24 that the inclusion of a required item of informa-
25 tion on the Internet website would jeopardize

1 the health or security of an implementing part-
2 ner or program beneficiary, the head of the
3 Federal department or agency may provide
4 briefings to the appropriate congressional com-
5 mittees on the item of information or submit to
6 the appropriate congressional committees the
7 item of information in a written report in lieu
8 of including it on the Internet website, along
9 with the reasons for not including it in the
10 database required under this section.

11 (B) NATIONAL INTERESTS OF THE UNITED
12 STATES.—If the Secretary of State makes a de-
13 termination that the inclusion of a required
14 item of information on the Internet website
15 would be detrimental to the national interests
16 of the United States, the Secretary of State
17 shall provide briefings to the appropriate con-
18 gressional committees on the item of informa-
19 tion or submit to the appropriate congressional
20 committees the item of information in a written
21 report in lieu of including it on the Internet
22 website, along with the reasons for not includ-
23 ing it in the database required under this sec-
24 tion.

1 (C) FORM.—Any briefing or item of infor-
2 mation provided under this paragraph may be
3 provided in classified form.

4 (4) FAILURE TO COMPLY.—If the head of the
5 department or agency fails to comply with the re-
6 quirements under paragraph (2), the head shall indi-
7 cate for each required item—

8 (A) identification of the reason for not in-
9 cluding the information during that quarter;

10 (B) a detailed explanation of the reason;
11 and

12 (C) the department's or agency's plan and
13 timeline for including the omitted information
14 for the current fiscal year and the following two
15 fiscal years, including milestones, deadlines,
16 prerequisites, and other explanatory informa-
17 tion.

18 (c) SCOPE OF INFORMATION.—

19 (1) IN GENERAL.—The Internet website shall
20 contain the information described in subsection (b)
21 as follows:

22 (A) For fiscal year 2013, the information
23 relating to such fiscal year and each of the im-
24 mediately preceding 2 fiscal years.

1 (B) For fiscal year 2014, the information
2 relating to such fiscal year and each of the im-
3 mediately preceding 3 fiscal years.

4 (C) For fiscal year 2015, the information
5 relating to such fiscal year and each of the im-
6 mediately preceding 4 fiscal years.

7 (D) For fiscal year 2016, the information
8 relating to such fiscal year and each of the im-
9 mediately preceding 5 fiscal years.

10 (2) OLDER INFORMATION.—For fiscal year
11 2017 and each fiscal year thereafter, the Internet
12 website shall also contain a link to a searchable
13 database available to the public containing informa-
14 tion described in subsection (b) relating to fiscal
15 years prior to the immediately preceding 5 fiscal
16 years but subsequent to fiscal year 2010.

17 **SEC. 4. SENSE OF CONGRESS ON IMPLEMENTATION.**

18 It is the sense of Congress that Congress shall take
19 into account the Comptroller General's reports under sec-
20 tion 2(f)(2) when making decisions regarding the appro-
21 priation of funds for each department or agency that ad-
22 ministers United States foreign assistance.

23 **SEC. 5. AVAILABILITY OF FUNDS.**

24 Up to 5 percent of the amounts authorized to be ap-
25 propriated for a fiscal year for each Federal department

1 or agency for United States foreign assistance programs
2 is authorized to be appropriated to carry out this Act with
3 respect to such programs for such fiscal year.

4 **SEC. 6. DEFINITIONS.**

5 In this Act:

6 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
7 ~~TEES.—~~The term “appropriate congressional com-
8 mittees” means—

9 ~~(A) the Committee on Foreign Relations~~
10 ~~and the Committee on Appropriations of the~~
11 ~~Senate; and~~

12 ~~(B) the Committee on Foreign Affairs and~~
13 ~~the Committee on Appropriations of the House~~
14 ~~of Representatives.~~

15 ~~(2) UNITED STATES FOREIGN ASSISTANCE.—~~

16 The term “United States foreign assistance” means
17 any tangible or intangible item provided by any
18 agency of the United States Government to a foreign
19 country, including any training, service, or technical
20 advice, any item of real, personal, or mixed property,
21 any agricultural commodity, United States dollars,
22 and any currencies of any foreign country which are
23 owned by the United States Government, and in-
24 cludes foreign assistance provided by means of gift,
25 loan, sale, credit, or guaranty.

1 (3) UNITED STATES SECURITY SECTOR ASSIST-
 2 ANCE.—The term “United States security sector as-
 3 sistance” means the policies, programs, and activi-
 4 ties the United States Government employs to en-
 5 gage with foreign partners in the use of force to pro-
 6 tect both the foreign state and its citizens at home
 7 or abroad; to maintain international peace and secu-
 8 rity; to contribute to efforts that address common
 9 security challenges; and to enforce the law and pro-
 10 vide oversight of security institutions and forces, in-
 11 cluding through helping foreign partners build and
 12 sustain the capacity and effectiveness of institutions
 13 to provide security, safety, and justice for their peo-
 14 ple.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Foreign Aid Trans-*
 17 *parency and Accountability Act of 2013”.*

18 **SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN ASSIST-**
 19 **ANCE PROGRAMS.**

20 (a) *PURPOSE.*—*The purpose of this section is to evalu-*
 21 *ate the performance of United States foreign assistance and*
 22 *its contribution to policy, strategies, projects, program*
 23 *goals, and priorities undertaken by the Federal Govern-*
 24 *ment, to foster and promote innovative programs to im-*
 25 *prove effectiveness, and to coordinate the monitoring and*

1 *evaluation processes of Federal departments and agencies*
2 *that administer foreign assistance.*

3 **(b) ESTABLISHMENT OF GUIDELINES.**—*Not later than*
4 *18 months after the date of the enactment of this Act, the*
5 *President shall establish guidelines to set measurable goals,*
6 *performance metrics, and monitoring and evaluation plans*
7 *that can be applied with reasonable consistency to United*
8 *States foreign assistance programs.*

9 **(c) OBJECTIVES OF GUIDELINES.**—

10 **(1) IN GENERAL.**—*The guidelines established*
11 *under subsection (b) shall provide direction to Federal*
12 *departments and agencies that administer United*
13 *States foreign assistance on how to develop the com-*
14 *plete range of activities relating to the monitoring of*
15 *resources, the evaluation of projects, the evaluation of*
16 *program impacts, and analysis that is necessary for*
17 *the identification of findings, generalizations that can*
18 *be derived from those findings, and their applicability*
19 *to proposed project and program design.*

20 **(2) OBJECTIVES.**—*Specifically, the guidelines*
21 *shall provide direction on how to achieve the following*
22 *objectives for monitoring and evaluation programs:*

23 **(A)** *Building measurable goals, performance*
24 *metrics and monitoring and evaluation into pro-*
25 *gram design, to be tracked against an established*

1 *baseline at the outset, including the provision of*
2 *sufficient program resources to conduct moni-*
3 *toring and evaluation.*

4 *(B) Disseminating guidelines for the devel-*
5 *opment and implementation of monitoring and*
6 *evaluation programs to all personnel, especially*
7 *in the field, who are responsible for the design,*
8 *implementation, and management of foreign as-*
9 *sistance programs.*

10 *(C) Developing a clearinghouse capacity for*
11 *the collection and dissemination of knowledge*
12 *and lessons learned that serve as benchmarks to*
13 *guide future programs for United States develop-*
14 *ment professionals, implementing partners, the*
15 *international aid community, and aid recipient*
16 *governments, and as a repository of knowledge*
17 *on lessons learned.*

18 *(D) Distributing evaluation reports inter-*
19 *nally and making this material available online*
20 *to the public. Furthermore, providing a sum-*
21 *mary of each evaluation, including a description*
22 *of the evaluation methodology, and key findings*
23 *and recommendations made in the evaluation, to*
24 *the public online in a fully searchable form with-*
25 *in 90 days after the completion of the evaluation.*

1 *Any material made available online pursuant to*
2 *this subparagraph may not include any classi-*
3 *fied or proprietary information of nongovern-*
4 *mental organizations, contractors, or private sec-*
5 *tor clients.*

6 *(E) Establishing annual monitoring and*
7 *evaluation agendas and objectives.*

8 *(F) Applying rigorous monitoring and eval-*
9 *uation methodologies to focus on learning, ac-*
10 *countability, and policymaking, choosing from*
11 *among a wide variety of qualitative, quan-*
12 *titative, summative, and formative methods com-*
13 *mon in the field of social scientific inquiry, in-*
14 *cluding impact evaluations, a simple grading*
15 *system providing a clear evaluation of outcomes,*
16 *and analysis of project logic that includes in-*
17 *puts, activities, outputs, intermediate outcomes,*
18 *and end outcomes.*

19 *(G) Partnering with the academic commu-*
20 *nity, implementing partners, and national and*
21 *international institutions that have expertise in*
22 *monitoring and evaluation and analysis when*
23 *such partnerships will provide needed expertise*
24 *or will significantly improve the evaluation and*
25 *analysis.*

1 (H) *Developing and implementing a training plan for aid personnel on the proper conduct of monitoring and evaluation programs.*

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4 (I) *Providing relevant and useful evaluation questions that meet the needs of decisionmakers, an appropriate and feasible design for the evaluation questions, and criteria that permit objective assessment and valid conclusions on the evaluation questions.*

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10 (J) *Ensuring sufficient, credible, and reliable measures and data in the evaluation of the effectiveness of foreign assistance programs, including an assessment of assumptions and limitations in such evaluations.*

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15 (K) *Ensuring that generally accepted standards such as independence, professional judgment, competence, and quality control and assurance are followed in the monitoring and evaluation of programs.*

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20 (d) *IMPLEMENTATION OF GUIDELINES.—Beginning not later than one year after the date on which the President establishes the guidelines under subsection (b), the head of each Federal department or agency that administers United States foreign assistance shall administer the foreign assistance in accordance with the guidelines.*

1 (e) *PRESIDENTIAL REPORT.*—Not later than 18
2 months after the date of the enactment of this Act, the Presi-
3 dent shall submit to the appropriate congressional commit-
4 tees a report that contains a detailed description of the
5 guidelines that have been developed on measurable goals,
6 performance metrics, and monitoring and evaluation plans
7 for United States foreign assistance programs established
8 under this section. The report shall be submitted in unclas-
9 sified form to the maximum extent possible, but may con-
10 tain a classified annex.

11 (f) *GUIDELINE REQUIREMENT FOR CERTAIN SECU-*
12 *RITY SECTOR ASSISTANCE.*—

13 (1) *IN GENERAL.*—The Secretary of State shall
14 not be required to implement guidelines established
15 under subsection (b) for certain security sector assist-
16 ance programs to the extent that the President is al-
17 ready taking steps as of the date of the enactment of
18 this Act to implement measures with respect to secu-
19 rity sector assistance that are similar to those referred
20 to in this section pursuant to guidance that the Presi-
21 dent has promulgated.

22 (2) *NOTIFICATION AND BRIEFING REQUIRE-*
23 *MENTS.*—The Secretary of State shall provide to the
24 appropriate congressional committees a classified or

1 *unclassified briefing describing any such measures*
2 *being implemented.*

3 *(g) COMPTROLLER GENERAL REPORTS.—The Comp-*
4 *troller General of the United States shall—*

5 *(1) not later than one year after the date of the*
6 *enactment of this Act, submit to the appropriate con-*
7 *gressional committees a report that analyzes the ac-*
8 *tions taken by each Federal department and agency*
9 *that administers United States foreign assistance pro-*
10 *grams to ensure that the monitoring and evaluation*
11 *of such programs is planned, conducted, and utilized*
12 *effectively;*

13 *(2) not later than 3 years after the date of the*
14 *enactment of this Act, submit to the appropriate con-*
15 *gressional committees a report that analyzes—*

16 *(A) the guidelines established pursuant to*
17 *subsection (b); and*

18 *(B) the implementation of such guidelines*
19 *by each Federal department and agency that ad-*
20 *ministers United States foreign assistance pro-*
21 *grams; and*

22 *(3) not later than 5 years after the date of the*
23 *enactment of this Act, and biennially thereafter for 8*
24 *years, submit to the appropriate congressional com-*
25 *mittees a report that analyzes any revisions to the*

1 *guidelines established under subsection (b), and the*
2 *implementation of such guidelines by each Federal de-*
3 *partment and agency that administers United States*
4 *foreign assistance programs.*

5 *(h) EVALUATION DEFINED.—In this section, the term*
6 *“evaluation” means, with respect to a United States foreign*
7 *assistance program, the systematic collection and analysis*
8 *of information about the characteristics and outcomes of the*
9 *program and projects under the program as a basis for*
10 *judgments, to improve effectiveness, and to inform decisions*
11 *about current and future programming.*

12 **SEC. 3. PROVISION OF PUBLIC INFORMATION ON UNITED**
13 **STATES FOREIGN ASSISTANCE PROGRAMS.**

14 *(a) PUBLICATION OF INFORMATION.—*

15 *(1) ESTABLISHMENT OF WEBSITE.—Not later*
16 *than 30 days after the date of the enactment of this*
17 *Act, the President shall direct the Secretary of State*
18 *to revise the Department of State’s Internet website,*
19 *“ForeignAssistance.gov”, to make publicly available*
20 *comprehensive, timely, comparable, and accessible in-*
21 *formation on United States foreign assistance pro-*
22 *grams.*

23 *(2) INFORMATION SHARING.—The head of each*
24 *Federal department or agency that administers*
25 *United States foreign assistance shall, not later than*

1 *two years after the date of the enactment of this Act,*
2 *and every 120 days thereafter, provide to the Sec-*
3 *retary of State information about the foreign assist-*
4 *ance programs carried out by such department or*
5 *agency.*

6 (3) *UPDATES TO WEBSITE.—The Secretary of*
7 *State shall publish not later than 2 years after the*
8 *date of the enactment of this Act and update on a*
9 *semiannual basis on the “ForeignAssistance.gov”*
10 *website the information provided under paragraph*
11 *(2).*

12 (b) *MATTERS TO BE INCLUDED.—*

13 (1) *IN GENERAL.—The information described in*
14 *subsection (a) shall be published on a detailed pro-*
15 *gram-by-program basis and country-by-country basis.*

16 (2) *TYPES OF INFORMATION.—To ensure trans-*
17 *parency, accountability, and effectiveness of United*
18 *States foreign assistance programs, the information*
19 *described in subsection (a) shall include country as-*
20 *istance strategies, annual budget documents, congres-*
21 *sional budget justifications, obligations, expenditures,*
22 *and reports and evaluations for United States foreign*
23 *assistance programs and projects under such pro-*
24 *grams. Each type of information described in this*
25 *paragraph shall be published or updated on the Inter-*

1 *net website not later than 90 days after the date of*
2 *issuance of the information.*

3 (3) *REPORT IN LIEU OF INCLUSION.—*

4 (A) *HEALTH OR SECURITY OF IMPLE-*
5 *MENTING PARTNERS.—If the head of a Federal*
6 *department or agency makes a determination*
7 *that the inclusion of a required item of informa-*
8 *tion on the Internet website would jeopardize the*
9 *health or security of an implementing partner or*
10 *program beneficiary, the head of the Federal de-*
11 *partment or agency may provide briefings to the*
12 *appropriate congressional committees on the*
13 *item of information or submit to the appropriate*
14 *congressional committees the item of information*
15 *in a written report in lieu of including it on the*
16 *Internet website, along with the reasons for not*
17 *including it in the database required under this*
18 *section.*

19 (B) *NATIONAL INTERESTS OF THE UNITED*
20 *STATES.—If the Secretary of State makes a de-*
21 *termination that the inclusion of a required item*
22 *of information on the Internet website would be*
23 *detrimental to the national interests of the*
24 *United States, the Secretary of State shall pro-*
25 *vide briefings to the appropriate congressional*

1 committees on the item of information or submit
2 to the appropriate congressional committees the
3 item of information in a written report in lieu
4 of including it on the Internet website, along
5 with the reasons for not including it in the data-
6 base required under this section.

7 (C) *FORM.*—Any briefing or item of infor-
8 mation provided under this paragraph may be
9 provided in classified form.

10 (4) *FAILURE TO COMPLY.*—If the head of the de-
11 partment or agency fails to comply with the require-
12 ments under paragraph (2), the head shall provide to
13 the appropriate congressional committees a briefing
14 indicating for each required item—

15 (A) identification of the reason for not in-
16 cluding the information;

17 (B) a detailed explanation of the reason;
18 and

19 (C) the department’s or agency’s plan and
20 timeline for including the omitted information
21 for the current fiscal year and the following two
22 fiscal years, including milestones, deadlines, pre-
23 requisites, and other explanatory information.

24 (c) *SCOPE OF INFORMATION.*—

1 (1) *IN GENERAL.*—*The online publication re-*
2 *quired by subsection (a) shall, at a minimum, provide*
3 *the information required by subsection (b)—*

4 (A) *in each fiscal year from 2013 through*
5 *2016, such information for fiscal years 2011*
6 *through the current fiscal year; and*

7 (B) *for fiscal year 2017 and each fiscal year*
8 *thereafter, such information for the immediately*
9 *preceding five fiscal years in a fully searchable*
10 *form.*

11 **SEC. 4. SENSE OF CONGRESS ON IMPLEMENTATION.**

12 *It is the sense of Congress that Congress should take*
13 *into account the Comptroller General's reports under sec-*
14 *tion 2 in making decisions regarding the appropriation of*
15 *funds for each department or agency that administers*
16 *United States foreign assistance.*

17 **SEC. 5. AVAILABILITY OF FUNDS.**

18 *Up to 5 percent of the amounts authorized to be appro-*
19 *priated for a fiscal year for each Federal department or*
20 *agency for United States foreign assistance programs is au-*
21 *thorized to be appropriated to carry out this Act with re-*
22 *spect to such programs for such fiscal year.*

23 **SEC. 6. DEFINITIONS.**

24 *In this Act:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Foreign Relations*
5 *and the Committee on Appropriations of the*
6 *Senate; and*

7 (B) *the Committee on Foreign Affairs and*
8 *the Committee on Appropriations of the House of*
9 *Representatives.*

10 (2) *UNITED STATES FOREIGN ASSISTANCE.—The*
11 *term “United States foreign assistance” means any*
12 *tangible or intangible item provided by any agency of*
13 *the United States Government to a foreign country,*
14 *including any training, service, or technical advice,*
15 *any item of real, personal, or mixed property, any*
16 *agricultural commodity, United States dollars, and*
17 *any currencies of any foreign country which are*
18 *owned by the United States Government, and includes*
19 *foreign assistance provided by means of gift, loan,*
20 *sale, credit, or guaranty.*

21 (3) *UNITED STATES SECURITY SECTOR ASSIST-*
22 *ANCE.—The term “United States security sector as-*
23 *istance” means the policies, programs, and activities*
24 *the United States Government uses to—*

1 (A) engage with foreign partners and help
2 shape their policies and actions in the security
3 sector;

4 (B) help foreign partners build and sustain
5 the capacity and effectiveness of legitimate insti-
6 tutions to provide security, safety, and justice for
7 their people; and

8 (C) enable foreign partners to contribute to
9 efforts that address common security challenges.

Calendar No. 283

113TH CONGRESS
1ST Session

S. 1271

[Report No. 113-131]

A BILL

To direct the President to establish guidelines for United States foreign assistance programs, and for other purposes.

DECEMBER 20, 2013

Reported with an amendment